

CHAPTER 43 DENTAL HYGIENE

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4300 GENERAL PROVISIONS

4300.1 This chapter shall apply to applicants for and holders of a license to practice dental hygiene.

4300.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 42 (Dentistry) of this title shall supplement this chapter.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §302(14) of the District of Columbia Health Occupations Revision Act of 1985, D.C. Law 6-99, D.C. Code §2-3303.2(14) (1988 Repl. Vol.), 33 DCR 729, 732 (February 7, 1986), and Mayor's Order 86-110, 33 DCR 5220 (August 22, 1986).

SOURCE: Final Rulemaking published at 36 DCR 787 (January 27, 1989).

4301 TERM OF LICENSE

4301.1 Subject to §4301.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of December 31 of each odd-numbered year.

4301.2 If the Director changes the renewal system pursuant to §4006.3 of chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

SOURCE: Final Rulemaking published at 36 DCR 787 (January 27, 1989).

4302 EDUCATIONAL REQUIREMENTS

4302.1 Except as otherwise provided in this subtitle, an applicant shall furnish proof satisfactory to the Board that the applicant has successfully completed an educational program in the practice of dental hygiene of at least two (2) academic years at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated, in accordance with §504(c) of the Act, D.C. Code §2-3305.4(c) (1988 Repl. Vol.).

4302.2 An applicant shall submit an official certificate of graduation from the educational institution to the Board with the completed application.

SOURCE: Final Rulemaking published at 36 DCR 787 (January 27, 1989); as amended by Final Rulemaking published at 37 DCR 2747, 2748 (May 4, 1990).

4303 APPLICANTS EDUCATED IN FOREIGN COUNTRIES

4303.1 The Board may grant a license to practice dental hygiene to an applicant who completed an educational program in a foreign country, other than the Dominion of Canada, which program is not recognized by the ADA, if the applicant:

- (a) Meets all requirements of this chapter except for §4302.1; and
- (b) Demonstrates to the satisfaction of the Board that the applicant's education and training are substantially equivalent to the requirements of this subtitle and the Act and that the applicant is qualified to practice dental hygiene.

4303.2 An applicant under this section, in lieu of meeting the requirements of §4302.1, shall do the following:

- (a) Submit to the Board an official transcript and a copy of the degree or diploma indicating that the applicant has completed a professional program in the field of dental hygiene in any country other than the United States or its territories, or the Dominion of Canada;
- (b) Submit proof to the Board that the applicant has successfully completed the National Board of Dental Hygiene Examination; and
- (c) Satisfactorily complete the District of Columbia written and clinical dental hygiene examination administered by the Northeast Regional Board (NERB).

4303.3 The Board may interview an applicant under this section to determine whether the applicant's education or training meets the requirements of the Act and this chapter.

4303.4 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a translation signed by the translator attesting to its accuracy.

SOURCE: Final Rulemaking published at 36 DCR 787, 788 (January 27, 1989).

4304 NATIONAL EXAMINATION

4304.1 To qualify for a license by examination, an applicant shall receive a passing score on the following examinations:

- (a) The National Board of Dental Hygiene Examination; and
- (b) The NERB examination or the District of Columbia written and clinical examination administered by the NERB.

4304.2 An applicant shall submit the applicant's examination results, which have been certified or validated by the NERB or the National Board of Dental Hygiene Examination, to the Board with the completed application.

4304.3 The passing scores on the examinations shall be those established by the National Board of Dental Hygiene Examination and NERB on each test that forms a part of the examinations.

4304.4 An applicant who has successfully completed the NERB examination ten (10) or more years prior to the date of receipt by the Board of the application for licensure shall be required to retake the NERB examination.

SOURCE: Final Rulemaking published at 36 DCR 787, 789 (January 27, 1989); as amended by Final Rulemaking published at 37 DCR 2727, 2748 (May 4, 1990).

4305 DISTRICT EXAMINATION

4305.1 To qualify for a license under this chapter, all applicants without exception shall receive a passing score on a written examination developed by the Board on laws and rules pertaining to the practice of dentistry and dental hygiene (the District examination).

4305.2 The Board shall administer the District examination at least four (4) times a year.

4305.3 The District examination may consist of questions on general District laws pertaining to dentistry and dental hygiene including the Act, this chapter, and chapters 40, 41, and 42 of this title.

SOURCE: Final Rulemaking published at 36 DCR 787, 789 (January 27, 1989).

4306 CONTINUING EDUCATION REQUIREMENTS

4306.1 Except as provided in §4306.2, this section applies to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring December 31, 1991, and for subsequent terms.

4306.2 This section shall not apply to applicants for an initial license by examination or reciprocity, nor does it apply to applicants for the first renewal of a license granted by examination.

4306.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with §4307.

- 4306.4 An applicant for renewal of a license shall submit proof pursuant to §4306.7 of having completed fifteen (15) hours of approved continuing education credit during the two (2) year period preceding the date the license expires.
- 4306.5 To qualify for a license, a person in inactive status within the meaning of §511 of the Act, D.C. Code §2-3305.11 (1988 Repl. Vol.) who submits an application to reactivate a license shall submit proof pursuant to §4306.7 of having completed eight (8) hours of approved continuing education credit for each license year after December 31, 1989, that the applicant was in inactive status, up to a maximum of forty (40) hours. The continuing education hours submitted shall have been completed within the five (5) years preceding the date of the application to resume practice.
- 4306.6 To qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to §4306.7 of having completed eight (8) hours of approved continuing education credit for each year after December 31, 1989, that the applicant was not licensed, up to a maximum of forty (40) hours. The continuing education hours submitted shall have been completed within the five (5) years preceding the date of the application to resume practice.
- 4306.7 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.
- 4306.8 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof pursuant to §4306.7 and by paying the required additional late fee.
- 4306.9 Upon submitting proof of having completed continuing education requirements and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.
- 4306.10 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration.
- 4306.11 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; and
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

SOURCE: Final Rulemaking published at 36 DCR 787, 789 (January 27, 1989).

4307 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

- 4307.1 The Board, in its discretion, may approve continuing education programs and activities that contribute to the growth of an applicant in professional competence in the practice of dental hygiene and that meet the other requirements of this section.
- 4307.2 The Board may approve the following types of continuing education programs, if the program meets the requirements of §4307.3:
- (a) An undergraduate or graduate course given at an accredited college or university;
 - (b) A seminar or workshop;
 - (c) An educational program given at a conference; and
 - (d) In-service training.
- 4307.3 To qualify for approval by the Board, a continuing education program shall do the following:
- (a) Be current in its subject matter;
 - (b) Be developed and taught by qualified individuals; and
 - (c) Meet one of the following requirements:
 - (1) Be administered or approved by a national, state, or local dentistry or dental hygiene organization recognized by the Board; health care organization; licensed health care facility; or a college or university that is accredited by an accrediting body recognized by the Secretary of the United States Department of Education or the Council on Postsecondary Accreditation; or
 - (2) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.
- 4307.4 The Board may issue and update a list of approved continuing education programs.
- 4307.5 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.
- 4307.6 The Board may approve the following continuing education activities by an applicant:

- (a) Serving as an instructor or speaker at a conference, seminar, workshop, or in-service training;
- (b) Publication of an article in a professional journal or publication of a book or a chapter in a book or publication of a book review in a professional journal or bulletin;
- (c) Serving as a clinical instructor for students of dental hygiene; and
- (d) Participation in research as a principal investigator or research assistant.

SOURCE: Final Rulemaking published at 36 DCR 787, 791 (January 27, 1989).

4308 CONTINUING EDUCATION CREDITS

- 4308.1 The Board may grant continuing education credit in whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.
- 4308.2 For approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) hours of continuing education credit, and each quarter hour of credit shall constitute ten (10) hours of continuing education credit.
- 4308.3 The Board may grant a maximum of seven (7) continuing education credits per year to an applicant who attends in-service education programs.
- 4308.4 The Board may grant credit to an applicant who serves as an instructor or speaker at an acceptable program for both preparation and presentation time, subject to the following restrictions:
 - (a) The maximum amount of credit which may be granted for preparation time shall be twice the amount of the associated presentation time; and
 - (b) The maximum amount of credit which may be granted pursuant to this subsection shall be fifty percent (50%) of an applicant's continuing education requirement; and
 - (c) The presentation shall have been completed during the period for which credit is claimed.
- 4308.5 The Board may grant an applicant who is an author or editor of a published book fifteen (15) continuing education credits, if the book has been published or accepted for publication during the period for which credit is claimed, and the applicant submits proof of this fact in the application.
- 4308.6 The Board may grant an applicant who is an author of a published original paper five (5) continuing education credits, subject to the same restrictions set forth for books in §4308.5.
- 4308.7 The Board may grant an applicant who is the sole author of a published book review, review paper, or abstract, two (2) continuing education credits, subject to the same restrictions set forth for books in §4308.5.

SOURCE: Final Rulemaking published at 36 DCR 787, 793 (January 27, 1989).

4309 LICENSE BY RECIPROCITY

- 4309.1 In addition to the requirements of §4014 of chapter 40 of this title, an applicant for a license by reciprocity shall prove to the satisfaction of the Board that the applicant is actively engaged in the practice of dental hygiene in the jurisdiction upon which the application is based.

SOURCE: Final Rulemaking published at 36 DCR 787, 794 (January 27, 1989).

4310 FUNCTIONS OF DENTAL HYGIENISTS

- 4310.1 In accordance with 102(4) of the Act, D.C. Code §2-3301.2(4), a dental hygienist may perform the following functions under the general supervision of a licensed dentist, in his or her office or any public school or institution rendering dental services:

- (a) A preliminary dental examination; a complete prophylaxis, including the removal of any deposit, accretion, or stain from the surface of a tooth or a restoration; the polishing of a tooth or a restoration;
- (b) The charting of cavities during preliminary examination, prophylaxis, or polishing;
- (c) The application of a medicinal agent to a tooth for a prophylactic purpose;
- (d) The taking of a dental X-ray; and
- (e) The instruction of individuals or groups of individuals in oral health care.

- 4310.2 In addition to the functions listed in §4310.1, a dental hygienist may perform the following functions under the direct supervision of a licensed dentist, as authorized by §102(4)(A)(vi) of the Act, D.C. Code §2-3301.2(4)(A)(vi) (1988 Repl. Vol.):

- (a) Assisting in the administration of nitrous oxide;
- (b) Monitoring the administration of nitrous oxide;
- (c) Placement of periodontal dressings;
- (d) Placement of temporary restorations;
- (e) Removal of temporary restorations;
- (f) Removal of periodontal dressings;
- (g) Removal of sutures;
- (h) Taking of study cast impressions;
- (i) Application of pit and fissure sealants; and

(j) Placement and removal of rubber dams.

4310.3 A dental hygienist shall not perform the following functions:

- (a) Administration of local anesthesia;
- (b) Administration of nitrous oxide;
- (c) Placement of sutures;
- (d) Application of cavity liners and bases;
- (e) Placement of amalgam restorations;
- (f) Carving amalgam restorations;
- (g) Finishing amalgam restorations;
- (h) Placement and finishing of composite resin/silicate restorations; and
- (i) Placement and removal of matrices.

SOURCE: Final Rulemaking published at 36 DCR 787, 794 (January 27, 1989).

4311 [RESERVED]

4312 STANDARDS OF CONDUCT

4312.1 A dental hygienist shall not accept or perform professional responsibilities which the dental hygienist knows or has reason to know that the dental hygienist is not competent to perform.

4312.2 A dental hygienist shall not willfully harass, abuse, or intimidate a patient either physically or verbally.

SOURCE: Final Rulemaking published at 36 DCR 787, 795 (January 27, 1989).

4399 DEFINITIONS

4399.1 As used in this chapter, the following terms and phrases have the meanings ascribed:

Applicant - a person applying for a license to practice dental hygiene under this chapter.

Board - the Board of Dentistry, established by §201 of the Act, D.C. Code §2-3302.1 (1988 Repl. Vol.).

Dentist - a person licensed to practice dentistry under the Act.

Dental hygienist - a person licensed to practice dental hygiene under the Act.

Direct supervision - supervision by a dentist who is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedures, remains in the dental office or treatment facility while the procedures are being performed by the dental hygienist, and evaluates the performance of the dental hygienist before dismissal of the patient.

General supervision - supervision based on instructions given by a licensed dentist either in person or by a communications device, but not requiring the physical presence of the dentist on the premises at the time actions are performed.

4399.2 The definitions in §4099 of chapter 40 of this title are incorporated by reference and are made applicable to this chapter.

SOURCE: Final Rulemaking published at 36 DCR 787, 795 (January 27, 1989).

